

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Kai SCHIEMANN et al.

Serial No.: 10/552,065

Group Art Unit: 1614

Filed: October 5, 2005

Examiner: STONE, Christopher R.

For: SUBSTITUTED PYRAZOLES

REPLY

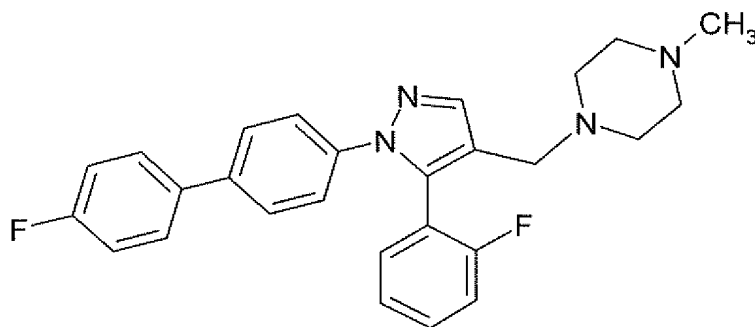
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on July 14, 2008, applicants elect with traverse Group I, Group I (composition).

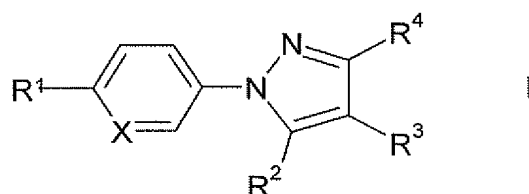
The traversal is on the grounds that the patent office has not established that it would pose an undue burden to examine the full scope of the claimed invention.

The elected species is the structure given below:



1-[1-(4'-Fluoro-biphenyl-4-yl)-5-(2-fluoro-phenyl)-1H-pyrazol-4-ylmethyl]-4-methyl-piperazine

Thus, in the generic claims, the elected species is a compound of formula I



in which

| | |
|----------------|--|
| X | denotes CH, |
| R ¹ | denotes Hal, (which is F), |
| R ² | denotes (CH ₂) _n Ar, (in which n is 0 and Ar is 2-fluoro-phenyl), |
| R ³ | denotes (CH ₂) _n Het, (in which n is 1 and Het is 4-methyl-piperazine), |
| R ⁴ | denotes H, |
| R ⁵ | (n/a) |
| A | denotes straight-chain alkyl having 1 C atom, |
| Het | denotes a saturated, monocyclic heterocyclic radical having 1 to 15 C atoms which is monosubstituted by A, (which is 4-methyl-piperazine), |
| Ar | denotes a phenyl radical which is monosubstituted by Hal (which is F), |
| n | denotes 0 or 1, and |
| Hal | denotes F. |

Additionally, applicants bring the attention of the Examiner to MPEP § 821.04, Rejoinder, which states that “if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined.” If the restriction requirement is maintained at this point, rejoinder of the non-elected claims is respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

In case of rejoinder, applicants elected disorder is schizophrenia (which is not or at least not explicitly disclosed in claim 4, but disclosed in line 5 of page 3 of the English translation of the PCT application).

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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Attny. Docket No.: Merck-3074

Filed: August 7, 2008

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